

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

MAGPUL INDUSTRIES CORP.,

Plaintiff,

v.

MISSION FIRST TACTICAL, LLC,

Defendant.

CIVIL ACTION NO. 24-5551-KSM

JOINT MOTION TO AMEND THE CLAIM CONSTRUCTION SCHEDULE

Plaintiff Magpul Industries Corp. (“Magpul”) and Defendant Mission First Tactical, LLC (“MFT”), by and through their respective counsel, hereby stipulate and respectfully move the Court as follows:

1. New counsel from Bryan Cave Leighton Paisner LLP have entered their appearance for Magpul. *See* Docket Nos. 37 and 38. Attorney Daniel A. Crowe will be lead counsel for Magpul.
2. Pursuant to the Court’s request from the Status Hearing held on April 28, 2025, Magpul and MFT have met and conferred regarding proposed amendments to the claim construction provisions of the current Scheduling Order (Docket No. 17).
3. In the current Joint Claim Construction Chart submitted to the Court on April 2, 2025, defendant MFT asserted that five claim terms contained in the six asserted claims of the two asserted patents violate one or more provisions of 35 U.S.C. § 112 and, as a consequence, any claim including one or more such terms are invalid. MFT, as the party challenging the patent’s presumptive validity, bears the burden of proving invalidity by

clear and convincing evidence. *Microsoft Corp. v. i4i Ltd. P'ship*, 564 U.S. 91, 95 (2011). For this reason, the parties agree that Magpul should have an opportunity to respond in writing to MFT's arguments and evidence in support of its assertions under § 112. Thus, the parties propose that they each serve an opening brief not to exceed 20 pages and they each serve an answering brief not to exceed 10 pages.

4. In view of the revised claim construction dates the parties believe it is reasonable to consider extending subsequent deadlines in the Court's Scheduling Order. This proposal includes such extended dates for the Court's consideration.
5. Magpul and MFT propose the following amendments to the paragraphs 6-8 of the Court's current Scheduling Order:

Section of Scheduling Order	Event	Current Date	Proposed
6.B.	Prepare and submit Joint Claim Construction Chart	April 2, 2025	May 27, 2025
6.C	Completion of claim construction discovery	June 2, 2025	July 3, 2025
6.D	Parties serve opening claim construction briefs (limited to 20 pages)	June 16, 2025 (for plaintiff)	July 16, 2025 (both parties)
6.D	Parties serve answering claim construction briefs (limited to 10 pages)	June 30, 2025 (for defendant)	August 15, 2025 (both parties)
6.D	File joint claim construction brief	July 7, 2025	August 22, 2025

7	Technology tutorial	July 7, 2025	August 22, 2025
8	Hearing on claim construction	July 30, 2025	The parties propose September 22, 2025
9.A	Discovery Cut Off	January 9, 2026	April 22, 2026
9.B	Document Production	October 10, 2025	December 1, 2025
11.A	Expert Reports for Party with Burden of Proof	November 10, 2025	January 26, 2026
11.A	Supplemental Expert Disclosures to contradict or rebut evidence	December 10, 2025	February 23, 2026
12	Case Dispositive Motions	February 9, 2026	May 20, 2026
12.	Responses to Case Dispositive Motions	March 9, 2026	June 17, 2026

6. For the reasons stated above, Magpul and MFT respectfully move the Court to amend the current Scheduling Order as provided herein.

7. A proposed order is attached.

WHEREFORE, the parties respectfully request that the Court grant their Motion to Amend Scheduling Order.

STIPULATED AND AGREED:

For Plaintiff:

/s/ Daniel A. Crowe

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For Defendant:

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Admitted *Pro Hac Vice*

Dated: May 16, 2025

CERTIFICATE OF SERVICE

I, Lindsay Andreuzzi, attorney for Defendant, being duly sworn, do hereby certify that I caused a true and correct copy of the foregoing, to be filed with the Court. Service of same will be made upon all counsel of record via the Court's Electronic Filing System and e-mail.

/s/ Lindsay Andreuzzi

Lindsay Andreuzzi, Esq. (ID: 310601)

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Date: May 16, 2025